IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

TUESDAY, THE 27TH MARCH 2007 / 6TH CHAITHRA 1929

CRL.A.No. 2122 of 2003()

SC.698/1999 of Addl.Sessions Judge, Ad hoc-II, Kasaragod

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APPELLANT: ACCUSED

SHIJU KURIAN, S/O. KURIYAN,
THENAMMAKKIL HOUSE,
CHERAKKOT, KALLAR VILLAGE.

BY ADV. SRI.M.THAMBAN
SMT.T.SUDHAMANI

RESPONDENTS: COMPLAINANT & STATE

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1. THE STATION HOUSE OFFICER,
RAJAPURAM POLICE STATION.

2. THE STATE OF KERALA, REP. BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 27/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.M.JAMES, J.

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Crl.A.No.2122 of 2003 (D)

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Dated this the 27th day of March, 2007

J U D G M E N T

When the appeal came up for consideration, the learned counsel, Ms.T.Sudhamani, submits that the appellant had already undergone the sentence, as he could not execute the bond after paying an amount of Rs.25,000/-, basing on the order of this Court, dated 26/12/2003. The counsel further submits that the appeal, thus, became infructuous.

2. The judgment was pronounced on 23/10/2003. The appeal was filed on 23/12/2003. Crl.M.Appl.No.13803/2003 came up for suspension of sentence. The learned Judge ordered suspension of sentence, directing to execute a bond for Rs.25,000/- with two solvent sureties. The counsel submits that the sureties were not available, therefore, the bond was not executed. The appellant had undergone the full sentence, including the default sentence. Therefore, the counsel submits that the matter has become infructuous.

In view of the above facts, I dismiss this appeal as infructuous.

(J.M.JAMES)
Judge

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